



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Forty-eighth Meeting Day

Thursday Morning

April 21, 2005

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Brian Damrow, St. Peter's First United Church of Christ, Huntington, the guest of Representative Daniel J. Leonard.

The Pledge of Allegiance to the Flag was led by Representative Leonard.

The Speaker ordered the roll of the House to be called:

T. Adams ☐	Klinker ☐
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern ☐
Behning ☐	Mays
Bischoff	McClain
Borders ☐	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy ☐
C. Brown	Neese
T. Brown	Noe ☐
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney ☐	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson ☐
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 544: 91 present; 9 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 25, 2005 at 10:00 a.m.

T. BROWN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1265:

Conferees: Dillon and Rogers

Advisors: M. Young and S. Smith

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 66 and 68 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 67 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 72

Representatives Bosma and Bauer introduced House Resolution 72:

A HOUSE RESOLUTION honoring those who have served as legislative interns for the Indiana House of Representatives during the First Regular Session of the 114th Indiana General Assembly.

Whereas, The following have served as legislative interns for the Republican Caucus of the Indiana House of Representatives during the First Regular Session of the 114th Indiana General Assembly: Chris Adamo, Ross Alexander, Brian Carnes, John Dawson, Ryan Fiorenza, Beth Garber, Rebecca Haggerty, Luke Harris, Emily James, Lindsay Klobuka, Rebecca Laumbattus, Matt Long, Melissa Mayfield, Brett Mock, Kate Nelson, Lindsay Quandt, Andrew Riedle, Richard Roy, Eric Shields, Andrew Talbot, Kelly Tews, Samantha Thegze, Kristin Thomas, Heather Warnick, Brian White, and Carolyn Yoder;

Whereas, The following have served as legislative interns for the Democrat Caucus of the Indiana House of Representatives during the First Regular Session of the 114th Indiana General Assembly: Christine Bizzell, Alexander Bracke, Christina Cesnik, Elizabeth Conklin, Jayson Cooley, Sean Kennedy, Nicole Kruk, Ryan Marques, Sarah Miliana, Justin Moed, Chyla Pennington, Erin Romine, Kelly Sankowski, Megan Sims, Kristen Stolt, Jilayne Willhoite, and Daniel Wilmes;

Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly;

Whereas, The members of the Indiana House of Representatives express their gratitude to those individuals who have participated in the valuable experience of both the Republican and Democrat internship programs;

Whereas, The legislative interns serving in 2005 represent the best and brightest future leaders of Indiana;

Whereas, Many past legislative interns have gone on to achieve significant personal, academic, political, and professional goals; and

Whereas, The 2005 legislative intern class contains outstanding young leaders who will make a very positive contribution to Indiana in the years to come: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the important contributions of the individuals serving as legislative interns with the Indiana House of Representatives during the First Regular Session of the 114th Indiana General Assembly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each legislative intern.

The resolution was read a first time and adopted by voice vote.

House Resolution 74

Representatives Bosma and Bauer introduced House Resolution 74:

A HOUSE RESOLUTION commending Verizon for its role in helping promote the legislative internship programs of the Indiana House of Representatives.

Whereas, Verizon has demonstrated a worthy commitment to the educational, political, and public service opportunities afforded the participants in both the House Republican and House Democrat Legislative Internship Programs;

Whereas, Each participant in the Indiana House Legislative Internship Programs is an outstanding young person devoted to a keener understanding of Indiana's legislative process; and

Whereas, Verizon's willingness to provide academic scholarships to outstanding legislative interns from each House of Representatives' caucus enables legislators and staff alike to recognize and reward exemplary job performance among interns: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives commends Verizon for its role in helping promote the legislative internship programs of the Indiana House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Gale Y. Given, President of Verizon's Great Lakes Region; Lori Macklin, Vice President of Verizon's Great Lakes Region; and Neil Krevda, Verizon's Director of Legislative Affairs.

The resolution was read a first time and adopted by voice vote.

Jane Howard, Vice President of Public Affairs for Verizon, presented the awards for 2005 to John Dawson, Outstanding Republican Intern, and Sarah Milianta, Outstanding Democrat Intern.

House Concurrent Resolution 67

Representatives Crawford, Buell, Dickinson, and Frizzell introduced House Concurrent Resolution 67:

A CONCURRENT RESOLUTION recognizing the establishment of the Indianapolis chapter of the Our Kids Program.

Whereas, The Our Kids (O.K.) Program was founded to help foster effective partnerships between police agencies, schools, students, and community members and to provide positive guidance and support to African-American males ages 12 to 18;

Whereas, The mission of the O.K. Program is to reduce the high levels of incarceration and homicide rates among African-American

males, efforts that result in the reduction of the high school drop out and teenage pregnancy rates that affect the African-American community;

Whereas, The mission of the program is accomplished by offering African-American police officers and other adult males as role models to guide youth toward positive life choices such as college, military service, and vocational training;

Whereas, On Friday, September 3, 2004, the Indianapolis chapter of the O.K. Program was introduced to the community;

Whereas, This team mentoring program has received numerous awards, including the Jefferson Award, the U.S. Attorney General's Award for the most effective juvenile delinquency program, and the President's 945th Point of Light Award; and

Whereas, The O.K. Program has served more than 1,400 young men in its 14 years of operation and, as a testament to the program's success, not a single graduate of the program has gone to prison: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the good work of the O.K. Program and wishes the newly created Indianapolis chapter success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indianapolis chapter of the O.K. Program.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard, Breaux, Clark, and Miller.

House Resolution 70

Representatives Welch, Pierce, and Tinchler introduced House Resolution 70:

A HOUSE RESOLUTION honoring Sean May for his many basketball accomplishments.

Whereas, Sean May developed his basketball skills in Bloomington, Indiana, where he spent many hours practicing at the YMCA with his father, Scott May;

Whereas, Scott May was a member of the undefeated 1976 NCAA Champion Indiana University basketball team;

Whereas, Sean May was an outstanding member of the Bloomington North High School basketball team, leading it to an 85-11 record during his time with the team;

Whereas, Sean May was named 2002 Indiana Mr. Basketball and received numerous awards as a high school player;

Whereas, Sean May continued his outstanding basketball career as a member of the University of North Carolina team, leading the Tar Heels to the 2005 NCAA Basketball Championship;

Whereas, Scott and Sean May are one of only three father-son duos to win NCAA basketball titles; and

Whereas, Sean May is a shining example of Indiana's long basketball tradition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Sean May on his many accomplishments and wishes him further success both on and off the basketball court.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sean May and his family.

The resolution was read a first time and adopted by voice vote.

Representative Noe, who had been excused, was present.

House Resolution 71

Representative Dodge introduced House Resolution 71:

A HOUSE RESOLUTION to recognize F. Mayo Sanders for his 50 years of service in the field of education.

Whereas, In 1955, F. Mayo Sanders began his career in education as an elementary teacher and principal in Washington, Missouri;

Whereas, Upon accepting an offer to serve as an Assistant Elementary Principal and 6th grade teacher, F. Mayo Sanders relocated to Fremont, Indiana, in 1959. Then, in 1963, he became the Principal at Fremont Elementary School;

Whereas, In addition to his service to Fremont Elementary School, F. Mayo Sanders was also responsible for creating the Head Start Program in Steuben County, becoming its director in 1965;

Whereas, As the Head Start Program's success grew, it was expanded to serve LaGrange County in 1990. Due to the duties of director demanding more of his time, F. Mayo Sanders retired from his position at Fremont Elementary School in 1992;

Whereas, On June 30th, 2005, F. Mayo Sanders will retire as Director of Vistula Head Start after 40 years of service at Head Start and 50 years of service in the field of education; and

Whereas, With the loving support of his wife, Sue, and his son, Christopher, F. Mayo Sanders has left an indelible mark on the education of the youth of Steuben and LaGrange

Counties: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its appreciation for the many years of service F. Mayo Sanders has dedicated to the Indiana educational system and congratulates him on his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to F. Mayo Sanders.

The resolution was read a first time and adopted by voice vote.

House Resolution 73

Representative Kuzman introduced House Resolution 73:

A HOUSE RESOLUTION honoring Fair Oaks Farms.

Whereas, Fair Oaks Farms, a large dairy operation in Northwest Indiana committed to producing the highest quality milk and dairy products in the world, won the 2005 U.S. Championship Cheese Contest;

Whereas, The U.S. Championship Cheese Contest includes over 1,000 entries from 25 different states;

Whereas, The winning Swiss-style emmentaler received a score of 98.55 out of a possible 100; and

Whereas, Randy Krahenbuhl, the producer of the winning cheese, also won several other categories: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Fair Oaks Farms for winning the 2005 U.S. Championship Cheese Contest.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Randy Krahenbuhl and Fair Oaks Farms.

The resolution was read a first time and adopted by voice vote.

Representative Klinker, who had been excused, was present.

Senate Concurrent Resolution 66

The Speaker handed down Senate Concurrent Resolution 66, sponsored by Representative McClain:

A CONCURRENT RESOLUTION honoring the sesquicentennial celebration of the Carroll County Old Settlers Meeting on August 13, 2005.

Whereas, The Carroll County Old Settlers Meeting is an annual event, running continuously since 1855, making it the oldest event of its kind in the Midwest;

Whereas, The streets around the court house in Delphi are closed and used for a street fair, with many exciting events, including live music performances, blacksmithing, wool spinning, and a fish fry;

Whereas, There are many special events, including an art show, quilt show, memorabilia exhibition, and educational events; and

Whereas, All events center around the community's landmarks, including Riley Park, Canal Park, antique shops, and the Historical Society Museum: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly honors the Carroll County Old Settlers Meeting for one hundred and fifty years of celebrating the history of Carroll County.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mayor Lee Hoard of Delphi, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 67

The Speaker handed down Senate Concurrent Resolution 67, sponsored by Representative Bright:

A CONCURRENT RESOLUTION honoring the cast and crew of the movie "Madison."

Whereas, The independent film "Madison" was written and directed by Indiana natives Bill Bindley and Scott Bindley and was shot in Madison in 1999;

Whereas, The film focuses on the community-owned powerboat, Miss Madison, and its push to defy the odds to earn the top prize during the city's Gold Cup of hydroplane boat racing on the Ohio River in July 1971; and

Whereas, "Madison" premiered at the Ohio Theatre in Madison, Indiana, on Sunday, April 17, 2005: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the hard work and dedication of the writers, actors, and crew of the film "Madison."

SECTION 2. That the Indiana General Assembly appreciates Bill Bindley's efforts to encourage filmmaking in the State of Indiana.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Bill Bindley and Scott Bindley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 68

The Speaker handed down Senate Concurrent Resolution 68, sponsored by Representatives Bauer, Walorski, and Kromkowski:

A CONCURRENT RESOLUTION congratulating the Studebaker National Museum in South Bend on the setting of the cornerstone of their new state-of-the-art facility.

Whereas, Studebaker has been a part of the South Bend heritage since 1852 when the Studebaker brothers founded their blacksmith business;

Whereas, The Studebaker National Museum began in the late 19th century when Clement Studebaker acquired the Lincoln and Lafayette Carriages and placed them on display in the Studebaker Repository;

Whereas, The collection was given by the Studebaker Corporation to the City of South Bend in 1966, and has been on display at various locations throughout the city since that time;

Whereas, The Studebaker National Museum is the only museum in the country that traces the history of transportation from the covered wagons that carried settlers west to high performance automobiles. It is also the only historical institution exclusively dedicated to Studebaker vehicles and to preserving Studebaker corporate records;

Whereas, The collection includes some of the earliest wagons and other horse drawn vehicles ever made, including five Presidential Carriages, which is the largest collection outside the Smithsonian. In addition the museum collection also includes several one-of-a-kind vehicles including the 1956 Packard Predictor and the 1934 Bendix car;

Whereas, To remain relevant to the community's expectations, the museum's displays, vehicles, and artifacts are enhanced by memorabilia from other local companies including Oliver Plow Works, Bendix, Torrington, O'Brien Paints, Drewrys, South Bend Bait, South Bend Toy, South Bend Lathe and others;

Whereas, The museum houses the entire Original Studebaker Collection of 54 vehicles. The museum displays approximately 70 vehicles on a rotational basis;

Whereas, The mission of the Studebaker National Museum is to honor and perpetuate the legacy of the rich industrial heritage of the South Bend area through the display, interpretation, conservation, and preservation of Studebaker vehicles, archives, and other objects to educate present and future generations; and

Whereas, Construction of the new Studebaker National Museum facility, designed to reflect the traditions of the Studebaker buildings from the 1920's and 1930's, is well underway and will be completed for opening in October of 2005. Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Studebaker National Museum in South Bend, on the setting of the cornerstone of the new state-of-the-art facility.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mark McDonnell, President of the Studebaker National Museum.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 127 Conferees: Borrer replacing Crooks
 Advisors: Borrer removed

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:35 p.m. with the Speaker in the Chair.

Representatives Borders, Cheney, Mahern, and Murphy, who had been excused, were present. Representatives Aguilera, C Brown, Budak, Espich, Fry, GiaQuinta, Kromkowski, V Smith, and Ulmer were excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 460 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 340.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 335, 422, and 634 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 54 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 56 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT ESB 224-1; filed April 21, 2005, at 3:27 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 224 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 150. (a) "Governing body", for purposes of IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

(b) "Governing body", for purposes of IC 16-27-0.5, has the meaning set forth in IC 16-27-0.5-0.5.

(c) "Governing body", for purposes of IC 16-41-22, has the meaning set forth in IC 16-41-22-3.

SECTION 2. IC 16-27-0.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. As used in this chapter, "governing body" means the board of trustees, governing board, board of directors, or other body responsible for governing a home health agency or a hospice.

SECTION 3. IC 16-27-0.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The home health care services and hospice services council is established.

(b) The council consists of sixteen (16) members as follows:

- (1) One (1) licensed physician experienced in home health care.
- (2) One (1) licensed physician with certification in hospice and palliative medicine.
- (3) Four (4) individuals as follows:

(A) One (1) individual engaged in the administration of a nonhospital based home health agency.

(B) One (1) individual engaged in the administration of a hospital based home health agency.

(C) One (1) individual engaged in the administration of:

(i) a nonhospital based hospice; or

(ii) a hospice licensed under IC 16-25-3 that provides in-patient care.

(D) One (1) individual engaged in the administration of a

hospital based hospice.

- (4) One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.
- (5) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.
- (6) One (1):
 - (A) physical therapist licensed under IC 25-27;
 - (B) occupational therapist certified under IC 25-23.5; or
 - (C) speech-language pathologist licensed under IC 25-35.6; experienced in home health care.
- (7) One (1) citizen having knowledge of or experience in hospice care.
- (8) One (1) citizen having knowledge of or experience in home health agency care.
- (9) One (1) registered pharmacist who is licensed under IC 25-26 with experience in hospice and palliative medicine.
- (10) One (1) respiratory care practitioner who is licensed under IC 25-34.5 and experienced in home care.
- (11) One (1) individual who is a bereavement counselor with experience in hospice care.
- (12) The commissioner or the commissioner's designee.
- (13) The secretary of family and social services or the secretary's designee.

(c) The governor shall appoint the members of the council designated by subsection (b)(1) through (b)(11).

(d) Except for the members of the council designated by subsection (b)(12) through (b)(13), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(e) Except for the members of the council designated by subsection (b)(3), a member of the council may not:

- (1) have a ~~pecuniary~~ **an ownership** interest in the operation of; or ~~provide professional services through employment or under contract to~~
- (2) **serve as a voting member on the governing body of;**

a home health agency licensed under this article or a hospice licensed under IC 16-25.

(Reference is to ESB 224 as printed April 1, 2005.)

MILLER	WOODRUFF
BREAUX	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 329-1; filed April 21, 2005, at 3:33 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 329 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-9-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 1. (a) This chapter applies to a county having a population of more than forty-seven thousand (47,000) but less than fifty thousand (50,000).

(b) **The county described in subsection (a) is unique because:**

- (1) **governmental entities and nonprofit organizations in the county have successfully undertaken cooperative efforts to promote tourism and economic development; and**
- (2) **several unique tourist attractions are located in the county, including:**
 - (A) **the Indiana basketball hall of fame;**
 - (B) **the Wilbur Wright birthplace memorial; and**
 - (C) **a historic gymnasium.**

(c) **The presence of these unique attractions in the county has:**

- (1) **increased the number of visitors to the county;**
- (2) **generated increased sales at restaurants and other retail**

establishments selling food in the county; and

(3) placed increased demands on all local governments for services needed to support tourism and economic development in the county.

(d) The use of food and beverage tax revenues arising in part from the presence of the attractions identified in subsection (b)(2) to support tourism and economic development in the county permits governmental units in the county to diversify the revenue sources for which local government improvements and services are funded.

SECTION 2. IC 6-9-25-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter shall be used by the county for the financing, construction, renovation, improvement, equipping, ~~operation,~~ or maintenance of the following capital ~~expenditures;~~ **improvements:**

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.
- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).
- (7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400).
- (8) A community park and cultural center.
- (9) Projects for which the county decides after July 1, 1994, to:
 - (A) **expend money in the fund established under section 8 of this chapter; or**
 - (B) **issue bonds or other obligations or enter into leases under section 11.5 of this chapter;**
 after the projects described in subdivisions (1) through (8) have been funded.
- (10) An ambulance.

Money in the fund may not be used for the operating costs of any of the permissible projects listed in this section. In addition, the county may not ~~initiate a project issue bonds or enter into leases or other obligations~~ under this chapter after December 31, ~~2004;~~ **2015.**

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

- (1) One (1) resident of the county representing each of the three (3) commissioner districts, appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.
- (2) Two (2) residents of the county, appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand (2,000) but less than two thousand four hundred (2,400). One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand four hundred (2,400).
- (3) Two (2) residents of the largest city in the county, appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.
- (4) Two (2) residents of the largest city in the county, appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

- (1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.
- (2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.
- (3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.
- (4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired ~~shall~~ **may** be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, ~~2005~~ **2016**.

SECTION 3. IC 6-9-25-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 10.5. (a) The county food and beverage tax council is established in the county. The membership of the county food and beverage tax council consists of the fiscal body of the county and the fiscal body of each municipality that lies either partly or entirely within the county.

(b) The county food and beverage tax council has a total of one hundred (100) votes. Every member of the county food and beverage tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a municipality in the county is allocated for a year equals the same percentage that the population of the municipality bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas of the county not located in a municipality bears to the population of the county. In the case of a municipality that lies partly within the county, the allocation shall be based on the population of that portion of the municipality that lies within the county.

(c) Before January 2 of each year, the county auditor shall certify to each member of the food and beverage tax council the number of votes, rounded to the nearest one-hundredth (0.01), the member has for that year.

(d) The food and beverage tax imposed under this chapter remains in effect until the county food and beverage tax council adopts an ordinance to rescind the tax.

(e) An ordinance to rescind the food and beverage tax takes effect December 31 of the year in which the ordinance is adopted.

(f) The county food and beverage tax council may not rescind the food and beverage tax if there are bonds outstanding or leases or other obligations payable under this chapter.

(g) The county food and beverage tax council is abolished on January 1, ~~2005~~ **2016**.

SECTION 4. IC 6-9-25-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2004 (RETROACTIVE)]: Sec. 11.5. (a) Until January 1, ~~2005~~ **2016**, the county may:

- (1) **use money in the fund established under section 8 of this chapter to pay all or part of the costs associated with the facilities described in section 9.5 of this chapter;**
 - (2) issue bonds, enter into leases, or incur other obligations to ~~(1)~~ pay any costs associated with the facilities described in section 9.5 of this chapter;
 - ~~(2)~~ (3) reimburse the county or any nonprofit corporation for any money advanced to pay those costs; or
 - ~~(3)~~ (4) refund bonds issued or other obligations incurred under this chapter.
- (b) Bonds or other obligations issued under this section:
- (1) are payable ~~solely~~ from money provided in this chapter, **any other revenues available to the county, or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;**

(2) must be issued in the manner prescribed by IC 36-2-6-18 through IC 36-2-6-20; ~~and~~

(3) may, in the discretion of the county, be sold at a negotiated sale at a price to be determined by the county or in accordance with IC 5-1-11 and IC 5-3-1; ~~and~~

(4) may be issued for a term not to exceed twenty (20) years, such term to include any refunding bonds issued to refund bonds originally issued under this section.

(c) Leases entered into under this section:

- (1) may be for a term not to exceed fifty (50) years;
- (2) may provide for payments from revenues under this chapter, any other revenues available to the county, or any combination of these sources;
- (3) may provide that payments by the county to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;
- (4) must be based upon the value of the facilities leased; and
- (5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the county executive only after a public hearing at which all interested parties are provided the opportunity to be heard. After the public hearing, the executive may approve the execution of the lease on behalf of the county only if the executive finds that the service to be provided throughout the life of the lease will serve the public purpose of the county and is in the best interests of its residents. A lease approved by the executive must also be approved by an ordinance of the county fiscal body.

(e) Upon execution of a lease under this section, and after approval of the lease by the county fiscal body, the county executive shall publish notice of the execution of the lease and the approval of the lease in accordance with IC 5-3-1.

(f) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the execution and approval of the lease, as the case may be.

SECTION 5. **An emergency is declared for this act.**

(Reference is to ESB 329 as printed March 25, 2005.)

GARD	SAUNDERS
CRAYCRAFT	PFLUM
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 378-1; filed April 21, 2005, at 3:34 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 378 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-28-6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 3. (a) The general assembly declares that the opportunity for the participation of underutilized small businesses, especially women and minority business enterprises, in the biodiesel and ethanol production industries is essential if social and economic parity is to be obtained by women and minority business persons and if the economy of Indiana is to be stimulated as contemplated by this section, IC 6-3.1-27, and IC 6-3.1-28. A recipient of a credit under this chapter is encouraged to purchase goods and services from underutilized small businesses, especially women and minority business enterprises.**

(b) The definitions in IC 6-3.1-27 and IC 6-3.1-28 apply throughout this section. A term used in this section that is defined in both IC 6-3.1-27 and IC 6-3.1-28 refers to the term as defined in:

- (1) IC 6-3.1-27 whenever this section applies to the

certification of a person for a credit under IC 6-3.1-27; and
 (2) IC 6-3.1-28 whenever this section applies to the certification of a person for a credit under IC 6-3.1-28.

In addition, as used in this section, "person" refers to a taxpayer or a pass through entity.

(c) As used in this section, "minority" means a member of a minority group (as defined in IC 4-13-16.5-1).

(d) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(e) As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

(f) A person that:

(1) begins construction of a facility or an expansion of a facility for the production of biodiesel, blended biodiesel, or ethanol in Indiana after February 28, 2005; and

(2) wishes to claim a tax credit with respect to that facility or the expansion of a facility under any combination of IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-7;

must apply to the corporation for a determination of the person's eligibility for the tax credit.

(g) Subject to this section, the corporation shall issue to each qualifying applicant a certification that:

(1) certifies the person as eligible for the tax credits for which the person applied;

(2) identifies the facilities covered by the certification; and

(3) allocates to the person the lesser of:

(A) the maximum allowable credit for which the person is eligible under IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-11; or

(B) a credit equal to the level of production demonstrated as economically viable under the business plan submitted to the corporation by the person.

(h) To qualify for certification under subsection (g), a person must do the following:

(1) Submit an application for the credit on the forms and in the manner prescribed by the corporation for the credit that is the subject of the application.

(2) Demonstrate through a business plan and other information presented to the corporation that the level of production proposed by the person is feasible and economically viable. In making a determination under this subdivision, the corporation shall consider:

(A) whether the person is sufficiently capitalized to complete the project;

(B) the person's credit rating;

(C) whether the person has sufficient technical expertise to build and operate a facility; and

(D) other relevant financial information as determined by the corporation.

(i) The corporation shall record the time of filing of each application submitted under this section. The corporation shall grant certifications under this section to qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated.

(j) The corporation may terminate a certification or reduce an allocation of a credit granted under this section only if the corporation determines, after a hearing, that the person granted the certification or allocation has failed to:

(1) substantially comply with the business plan that is the basis for the certification or allocation; or

(2) submit the information needed by the corporation to determine whether the person has substantially complied with the business plan that is the basis of the certification or allocation.

If an allocation of a credit is terminated or reduced, the unused credit becomes available for allocation to other qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated. The corporation may approve an amendment to a business plan or a transfer of a certificate of eligibility in conformity with the terms and conditions specified by the corporation in rules adopted by the corporation under IC 4-22-2.

(k) The corporation shall give the department of state revenue written notice of each action taken under this section.

SECTION 2. IC 6-3.1-27-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 2.5.** As used in this chapter, "corporation" refers to the Indiana economic development corporation.

SECTION 3. IC 6-3.1-27-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 3.2.** As used in this chapter, "distribute at retail" means to sell or otherwise distribute for consideration to an end user in Indiana.

SECTION 4. IC 6-3.1-27-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 3.5.** As used in this chapter, "facility" refers to a facility that is located in Indiana and is for the production of:

(1) biodiesel;

(2) blended biodiesel that is blended with biodiesel produced at a facility located in Indiana; or

(3) both biodiesel and blended biodiesel, as described in subdivision (2).

SECTION 5. IC 6-3.1-27-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 8.** (a) **Subject to section 9.5 of this chapter**, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces biodiesel at a facility located in Indiana is entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) one dollar (\$1); multiplied by

(2) the number of gallons of biodiesel:

(A) produced at the Indiana facility during the taxable year; and

(B) used to produce blended biodiesel.

(b) The credit provided by this section shall be reduced by any credit or subsidy that the taxpayer is entitled to receive from the federal government for the production of biodiesel by the taxpayer.

(c) (b) The total amount of credits allowed a taxpayer (or, if the person producing the biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed ~~one~~ three million dollars (\$1,000,000) (\$3,000,000) for all taxpayers and all taxable years.

(c) Notwithstanding subsection (b), the total amount of credits allowed a taxpayer (or if the person producing biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation.

SECTION 6. IC 6-3.1-27-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9.** (a) **Subject to section 9.5 of this chapter**, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces blended biodiesel at a facility located in Indiana is entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) two cents (\$0.02); multiplied by

(2) the number of gallons of blended biodiesel:

(A) produced at the Indiana facility; and

(B) blended with biodiesel produced at a facility located in Indiana.

(b) The credit provided by this section shall be reduced by any credit or subsidy that the taxpayer is entitled to receive from the federal government for the production of blended biodiesel by the taxpayer.

(c) (b) The total amount of credits allowed a taxpayer (or, if the person producing the blended biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed ~~one~~ three million dollars (\$1,000,000) (\$3,000,000) for all taxpayers and all taxable years.

SECTION 7. IC 6-3.1-27-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9.5.** The

total amount of credits allowed under:

- (1) section 8 of this chapter;**
- (2) section 9 of this chapter; and**
- (3) IC 6-3.1-28;**

may not exceed twenty million dollars (\$20,000,000) for all taxpayers and all taxable years. The corporation shall determine the maximum allowable amount for each type of credit, which must be at least four million dollars (\$4,000,000) for each credit.

SECTION 8. IC 6-3.1-27-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

Sec. 10. (a) A taxpayer that:

- (1) is a dealer; and
- (2) **operates a service station in Indiana at which distributes at retail blended biodiesel is sold and dispensed through a metered pump in a taxable year;**

is entitled to a credit against the taxpayer's state tax liability.

(b) The amount of the credit allowed under this section is the product of:

- (1) one cent (\$0.01); multiplied by
- (2) **the total number of gallons of blended biodiesel sold and dispensed through all the metered pumps located at a service station described in subsection (a)(2): distributed at retail by the taxpayer in a taxable year.**

(c) ~~The credit allowed under this section must be computed separately for each service station operated by the taxpayer that meets the requirements of subsection (a)(2).~~

~~(d) (c) The total amount of credits allowed under this section may not exceed one million dollars (\$1,000,000) for all taxpayers and all taxable years.~~

(d) A credit under this section may not be taken for blended biodiesel distributed at retail after December 31, 2006.

SECTION 9. IC 6-3.1-27-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 12. (a) If the amount of the credit determined under this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry over the excess to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. **A credit may not be carried forward for more than six (6) taxable years following the taxable year in which the taxpayer was first entitled to claim the credit.**

(b) A taxpayer is not entitled to a carryback or refund of any unused credit. **A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this chapter.**

SECTION 10. IC 6-3.1-27-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 13. To receive the credit provided by this chapter, a taxpayer must **do the following:**

- (1) Claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. ~~The taxpayer shall~~
- (2) **Provide a copy of the certificate of the corporation finding:**
 - (A) that the taxpayer; or**
 - (B) if the taxpayer is a shareholder, partner, or member of a pass through entity, that the pass through entity; is eligible for the credit under IC 5-28-6-3.**
- (3) Submit to the department proof of all information that the department determines is necessary for the calculation of the credit provided by this chapter.

The department may require a pass through entity to provide informational reports that the department determines necessary for the department to calculate the percentage of a credit provided by this chapter to which a shareholder, partner, or member of the pass through entity is entitled.

SECTION 11. IC 6-3.1-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 1. As used in this chapter, ~~"board"~~ **"corporation"** refers to the Indiana ~~recycling and energy development board economic development corporation~~ **created by IC 4-23-5-5-2; IC 5-28-3-1.**

SECTION 12. IC 6-3.1-28-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 7. Subject to **IC 6-3.1-27-9.5** and section 11 of this chapter, a

taxpayer that **has been certified by the corporation as eligible for a credit under this section** and produces ethanol at a facility is entitled to a credit against the taxpayer's state tax liability equal to the product of:

- (1) twelve and one-half cents (\$.125); multiplied by
- (2) the number of gallons of ethanol produced at the Indiana facility.

SECTION 13. IC 6-3.1-28-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 10. To receive the credit provided by this chapter, a taxpayer must do the following:

- (1) Claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department.
- (2) Provide a copy of the ~~board's~~ **corporation's** certificate finding:

- (A) that the facility taxpayer; or**
- (B) if the taxpayer is a shareholder, partner, or member of a pass through entity, that the pass through entity; is a qualified facility eligible for the credit under IC 4-23-5-5-17; IC 5-28-6-3.**

- (3) Submit to the department proof of all information that the department determines is necessary for the calculation of the credit provided by this chapter.

The department may require a pass through entity to provide informational reports that the department determines necessary for the department to calculate the percentage of the credit provided by this chapter to which a shareholder, partner, or member of the pass through entity is entitled.

SECTION 14. IC 6-3.1-28-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 11. (a) The total amount of credits allowed a taxpayer ~~(or, if the person producing the ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity)~~ under this chapter may not exceed a total of ~~five~~ **three** million dollars ~~(\$5,000,000)~~ **(\$3,000,000)** for all taxable years.

~~(b) The total amount of credits allowed under this chapter may not exceed ten million dollars (\$10,000,000) for all taxpayers and all taxable years.~~

(b) Notwithstanding subsection (a), the total amount of credits allowed a taxpayer (or if the person producing ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation.

SECTION 15. IC 6-3.1-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]:

Chapter 29. Coal Gasification Technology Investment Tax Credit

Sec. 1. The general assembly declares that the opportunity for the participation of underutilized small businesses, especially women and minority business enterprises, in the coal gasification industry is essential if social and economic parity is to be obtained by women and minority business persons and if the economy of Indiana is to be stimulated as contemplated by this chapter. A recipient of a credit under this chapter is encouraged to purchase goods and services from underutilized small businesses, especially women and minority business enterprises.

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission.

Sec. 3. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 4. As used in this chapter, "department" refers to the department of state revenue.

Sec. 5. As used in this chapter, "Indiana coal" has the meaning set forth in IC 4-4-30-4.

Sec. 6. As used in this chapter, "integrated coal gasification powerplant" means a facility that satisfies all the following requirements:

- (1) The facility is located in Indiana and is a newly constructed energy generating plant.**

(2) The facility converts coal into synthesis gas that can be used as a fuel to generate energy.

(3) The facility uses the synthesis gas as a fuel to generate electric energy.

(4) The facility is dedicated primarily to serving Indiana retail electric utility consumers.

Sec. 7. As used in this chapter, "minority" means a member of a minority group (as defined in IC 4-13-16.5-1.)

Sec. 8. As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

Sec. 9. As used in this chapter, "pass through entity" means:

(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) a partnership;

(3) a limited liability company;

(4) a limited liability partnership;

(5) a corporation organized under IC 8-1-13; or

(6) a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

Sec. 10. As used in this chapter, "qualified investment" means a taxpayer's expenditures for:

(1) all real and tangible personal property incorporated in and used as part of an integrated coal gasification powerplant; and

(2) transmission equipment and other real and personal property located at the site of an integrated coal gasification powerplant that is employed specifically to serve the integrated coal gasification powerplant.

Sec. 11. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-5.5 (the financial institutions tax);

(3) IC 27-1-18-2 (the insurance premiums tax); and

(4) IC 6-2.3 (the utility receipts tax);

as computed after the application of the credits that under IC 6-3-1-1-2 are to be applied before the credit provided by this chapter.

Sec. 12. As used in this chapter, "taxpayer" means a person, a corporation, a partnership, or other entity that makes a qualified investment.

Sec. 13. As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

Sec. 14. (a) A taxpayer that:

(1) is awarded a tax credit under this chapter by the corporation; and

(2) complies with the conditions set forth in this chapter and the agreement entered into by the corporation and the taxpayer under this chapter;

is entitled to a credit against the taxpayer's state tax liability for a taxable year in which the taxpayer places into service an integrated coal gasification powerplant and for the taxable years provided in section 16 of this chapter.

(b) A tax credit awarded under this chapter must be applied against the taxpayer's state tax liability in the following order:

(1) Against the taxpayer's liability incurred under IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax).

(2) Against the taxpayer's liability incurred under IC 6-5.5 (the financial institutions tax).

(3) Against the taxpayer's liability incurred under IC 27-1-18-2 (the insurance premiums tax).

(4) Against the taxpayer's liability incurred under IC 6-2.3 (the utility receipts tax).

Sec. 15. Subject to section 16 of this chapter, the amount of the credit to which a taxpayer is entitled is equal to the sum of the following:

(1) Ten percent (10%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.

(2) Five percent (5%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000).

Sec. 16. (a) A credit awarded under section 15 of this chapter

must be taken in ten (10) annual installments, beginning with the year in which the taxpayer places into service an integrated coal gasification powerplant.

(b) Subject to section 20 of this chapter, the amount of an annual installment of the credit awarded under section 15 of this chapter is equal to the amount determined in the last of the following STEPS:

STEP ONE: Determine the lesser of:

(A) the credit amount determined under section 15 of this chapter, divided by ten (10); or

(B) the greater of:

(i) the taxpayer's total state tax liability for the taxable year, multiplied by twenty-five percent (25%); or

(ii) the taxpayer's liability for the utility receipts tax imposed under IC 6-2.3 for the taxable year.

STEP TWO: Multiply the STEP ONE amount by the percentage of Indiana coal used in the taxpayer's integrated coal gasification powerplant in the taxable year for which the annual installment of the credit is allowed.

(c) If the credit allowed by this chapter is available to a member of an affiliated group of corporations filing a consolidated return under IC 6-2.3-6-5 or IC 6-3-4-14, the credit shall be applied against the state tax liability of the affiliated group.

Sec. 17. A person that proposes to place a new integrated coal gasification powerplant into service may apply to the corporation before the taxpayer makes the qualified investment to enter into an agreement for a tax credit under this chapter. The corporation shall prescribe the form of the application.

Sec. 18. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that the taxpayer's proposed investment satisfies the requirements of this chapter.

Sec. 19. (a) The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

(1) A detailed description of the project that is the subject of the agreement.

(2) The first taxable year for which the credit may be claimed.

(3) The maximum tax credit amount that will be allowed for each taxable year.

(4) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.

(5) A requirement that the taxpayer shall pay an average wage to its employees at the integrated coal gasification powerplant, other than highly compensated employees, in each taxable year that a tax credit is available that equals at least one hundred twenty-five percent (125%) of the average county wage in the county in which the integrated coal gasification powerplant is located.

(6) A requirement that the taxpayer will maintain at the location where the qualified investment is made, during the term of the tax credit, a total payroll that is at least equal to the payroll that existed on the date that the taxpayer placed the integrated coal gasification powerplant into service.

(7) A requirement that the taxpayer shall use Indiana coal at the taxpayer's integrated coal gasification powerplant.

(8) A requirement that the taxpayer obtain from the commission a determination under IC 8-1-8.5-2 that public convenience and necessity require, or will require, the construction of the taxpayer's integrated coal gasification powerplant.

(b) A taxpayer must comply with the terms of the agreement described in subsection (a) to receive an annual installment of the tax credit awarded under this chapter. The corporation shall annually determine whether the taxpayer is in compliance with the agreement. If the corporation determines that the taxpayer is in compliance, the corporation shall issue a certificate of compliance to the taxpayer.

Sec. 20. (a) This section applies if a qualified investment is made by a pass through entity or by taxpayers who are co-owners of an integrated coal gasification powerplant.

(b) If the credit allowed by this chapter for a taxable year is greater than the state tax liability of the pass through entity against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year in excess of the pass through entity's state tax liability for the taxable year; multiplied by
- (2) in the case of a pass through entity described in:
 - (i) section 9(1), 9(2), 9(3), or 9(4) of this chapter, the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled; and
 - (ii) section 9(5) or 9(6) of this chapter, the relative percentage of the corporation's patronage dividends allocable to the member for the taxable year.

(c) If an integrated coal gasification powerplant is co-owned by two (2) or more taxpayers, the amount of the credit that may be allowed to a co-owner in a taxable year is equal to:

- (1) the tax credit determined under sections 15 and 16 of this chapter with respect to the total qualified investment in the integrated coal gasification powerplant; multiplied by
- (2) the co-owner's percentage of ownership in the integrated coal gasification powerplant.

(d) The amount of an annual installment of the credit allowed to a shareholder, partner, or member of a pass through entity or a co-owner shall be determined under section 16 of this chapter modified as follows:

- (1) Section 16(b) STEP ONE (A) of this chapter shall be based on the percentage of the credit allowed to the shareholder, partner, member, or co-owner under this section.
- (2) Section 16(b) STEP ONE (B) of this chapter shall be based on the:

- (A) state tax liability; or
- (B) utilities receipts tax liability;

of the shareholder, partner, member, or co-owner.

Sec. 21. To receive the credit awarded by this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department a copy of the commission's determination required under section 19 of this chapter, a copy of the taxpayer's certificate of compliance issued under section 19 of this chapter, and all information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 16. IC 6-3.1-27-5 IS REPEALED [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)].

SECTION 17. [EFFECTIVE JANUARY 1, 2006] IC 6-3.1-29, as added by this act, applies to taxable years beginning after December 31, 2005.

SECTION 18. [EFFECTIVE UPON PASSAGE] The following apply only to taxable years beginning after December 31, 2004:

- (1) IC 5-28-6-3, as added by this act.
- (2) IC 6-3.1-27-8, IC 6-3.1-27-9, IC 6-3.1-27-10, IC 6-3.1-27-12, IC 6-3.1-27-13, IC 6-3.1-28-7, IC 6-3.1-28-10, and IC 6-3.1-28-11, all as amended by this act.
- (3) The repeal of IC 6-3.1-27-5 by this act.

A person who would have been eligible for a credit for the production of biodiesel, blended biodiesel, or ethanol in 2005 under IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-7, as effective before their amendment by this act, is eligible for the credit in 2005 only if the person complies with this act. However, a person that would have been eligible for a credit in 2005 under IC 6-3.1-27-10, as effective before its amendment by this act, continues to be eligible for the credit through any taxable year beginning before the effective date of this SECTION as if this act had not been enacted, except for IC 6-3.1-27-12, as amended by this act. The amount of the credits taken by a taxpayer under IC 6-3.1-28-10, as effective before the enactment of this act, reduces the maximum allowable credit available under IC 6-3.1-28-10, as amended by this act.

SECTION 19. [EFFECTIVE JANUARY 1, 2006] Each

individual provision of this act is fully severable. If a provision requiring an agreement executed under IC 6-3.1-29-19, as added by this act, to include a particular term is declared invalid, the invalidity of the provision does not affect the validity of:

- (1) the other provisions of IC 6-3.1-29, as added by this act;
- (2) the other terms of the agreement executed under IC 6-3.1-29-19, as added by this act; or
- (3) a tax credit awarded under IC 6-3.1-29, as added by this act.

SECTION 20. An emergency is declared for this act.

(Reference is to ESB 378 as reprinted March 23, 2005.)

WEATHERWAX	WOODRUFF
HUME	STILWELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 564-1; filed April 21, 2005, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 564 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Renumber all SECTIONS consecutively.

(Reference is to ESB 564 as printed March 23, 2005.)

CLARK	BURTON
BRODEN	BOTTORFF
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 18-1; filed April 21, 2005, at 3:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 18 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for at least one (1) year. However, the term does not include a conviction:

- (1) for which the person has been pardoned; or
- (2) that has been:
 - (A) reversed;
 - (B) vacated;
 - (C) set aside; or
 - (D) not entered because the trial court did not accept the person's guilty plea.

(b)(c) A person is disqualified from holding assuming or being a candidate for an elected office if: ~~the person:~~

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) ~~has~~ in a:
 - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
 - (B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

~~(A) entered a plea of guilty or nolo contendere to; or~~
~~(B) been convicted of;~~

a felony (as defined in ~~IC 35-50-2-1~~);

(4) ~~the person~~ has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) ~~the person~~ is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) ~~the person~~ is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(d) The reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

SECTION 2. IC 5-8-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) As used in this section:

"Felony" means any crime punishable by imprisonment for more than one ~~(1)~~ year in any correctional facility; ~~has the meaning set forth in IC 3-8-1-5.~~

"Public officer" means any person, elected or appointed, who holds any state, county, township, city, or town office.

(b) Any public officer convicted of a felony during ~~his~~ the officer's term of office shall:

(1) be removed from office by operation of law when: ~~he is sentenced for the felony;~~

(A) in a jury trial, a jury publicly announces a verdict against the person for a felony;

(B) in a bench trial, the court publicly announces a verdict against the person for a felony; or

(C) in a guilty plea hearing, the person pleads guilty or nolo contendere to a felony; and

(2) not receive any salary or remuneration from the time ~~he is sentenced for the felony;~~ the officer is removed from office under subdivision (1).

(c) The reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (b).

~~(c) (d)~~ If the conviction is: ~~reversed; vacated; or set aside;~~

(1) ~~reversed;~~

(2) ~~vacated;~~

(3) ~~set aside;~~

(4) ~~for a felony other than a felony arising out of an action taken in the officer's official capacity, reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5; or~~

(5) ~~not entered because the trial court did not accept the guilty plea;~~

and the officer's term has not expired, the officer shall ~~(1)~~ be reinstated in office and ~~(2)~~ receive any salary or other remuneration which ~~he~~ the officer would have received had ~~he~~ the officer not been removed from office.

~~(d) (e)~~ If the conviction is reversed, vacated, or set aside, and the officer's term has expired, ~~he~~ the officer shall receive any salary or other remuneration which ~~he~~ the officer would have received had ~~he~~ the officer not been removed from office.

~~(e) (f)~~ Every vacancy in a public office caused by the removal of a public officer under this section shall be filled as provided by law. If a convicted public officer is reinstated, the person filling the office during the appeal shall cease to hold the office.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 18 as reprinted March 15, 2005.)

C. LAWSON

MRVAN

Senate Conferees

FOLEY

VAN HAAFTEN

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 363-1; filed April 21, 2005, at 3:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 363 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-38-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total~~ annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is ~~(1) ninety one hundred ten thousand five hundred dollars (\$90,000);~~ **(\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter,** paid by the state. **In addition, a judge under this section may receive and (2)** any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

(1) the payment made on behalf of that judge;

(2) previous payments made on behalf of that judge in the same calendar year; and

(3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

(1) is established by the state;

(2) applies to a judge who is covered by this section; and

(3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 2. IC 33-38-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total~~ annual salary for each justice of the supreme court is one hundred ~~fifteen thirty-three~~ thousand six hundred dollars ~~(\$115,000);~~ **(\$133,600), as adjusted after June 30, 2006, under section 8.1 of this chapter.**

(b) The ~~total~~ annual salary for each judge of the court of appeals is one hundred ~~ten twenty-nine~~ thousand eight hundred dollars ~~(\$110,000);~~ **(\$129,800), as adjusted after June 30, 2006, under section 8.1 of this chapter.**

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to salary, the state shall pay to a justice or judge, in equal monthly payments on the first day of each month from money in the state general fund not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties:

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

A justice or judge is not required to make an accounting for an allowance received under this subsection.

(e) The state may not furnish automobiles for the use of justices or judges compensated under this section.

SECTION 3. IC 33-38-5-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.1. (a) Beginning July 1, 2006, the part of the total salary of an official:

- (1) paid by the state; and
- (2) set under section 6 or 8 of this chapter;

is increased in each state fiscal year in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal year.

(b) The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.

(c) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year.

(d) An official is not entitled to receive a salary increase under this section in a state fiscal year in which state employees described in subsection (b) do not receive a statewide average salary increase.

(e) If a salary increase is required under this section, the budget director shall augment judicial appropriations, including the line items for personal services for the supreme court, local judges' salaries, and county prosecutors' salaries, in the state biennial budget in an amount sufficient to pay for the salary increase from the sources of funds determined by the budget director.

SECTION 4. [EFFECTIVE JULY 1, 2005] IC 33-38-5-6 and IC 33-38-5-8, both as amended by this act, apply only to increase the part of an annual salary payable after June 30, 2005.

(Reference is to ESB 363 as reprinted March 30, 2005.)

CLARK	FOLEY
BRODEN	KUZMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 268-1; filed April 21, 2005, at 4:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 268 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. "Adult stem cell" means an undifferentiated cell that:

- (1) is found in a differentiated tissue;
- (2) is renewable; and

(3) yields specialized cell types with certain limitations of the tissue from which it originated.

SECTION 2. IC 16-18-2-56.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56.5. (a) "Cloning" means the use of asexual reproduction to create or grow a human embryo from a single cell or cells of a genetically identical human.

(b) The term does not include:

(1) a treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including the following:

- (A) In vitro fertilization.
- (B) Gamete intrafallopian transfer.
- (C) Zygote intrafallopian transfer; or

(2) the following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.
- (C) Embryonic stem cells from lines that are permissible for use under applicable federal law.

SECTION 3. IC 16-18-2-128.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 128.5. (a) "Fetal stem cell" means any of the following types of stem cells taken from a fetus that was either miscarried or stillborn from any of the following sources:

- (1) Placenta.
- (2) Umbilical cord.
- (3) Amniotic fluid.
- (4) Fetal tissue.

(b) The term does not include any cells that are taken as the result of an abortion unless the cells are permissible for use under applicable federal law.

SECTION 4. IC 16-18-2-183.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 183.5. "Human embryo" means a human egg cell with a full genetic composition capable of differentiating and maturing into a complete human being.

SECTION 5. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if, after appropriate notice and an opportunity for a hearing, the state health commissioner proves by a preponderance of the evidence that the hospital:

- (1) knowingly allows the hospital's facilities to be used for cloning or attempted cloning; or
- (2) knowingly allows the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning.

SECTION 6. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 34.5. CLONING

Chapter 1. Public Policy Against Human Cloning

Sec. 1. The general assembly declares that human cloning is against public policy.

Sec. 2. The state, a state educational institution (as defined in IC 20-12-0.5-1), or a political subdivision of the state may not use public funds, facilities, or employees to knowingly participate in cloning or attempted cloning.

SECTION 7. IC 20-12-29.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 29.7. Adult Stem Cell Research Center

Sec. 1. As used in this chapter, "center" refers to an adult stem cell research center established under section 2 of this chapter to carry out the duties specified by this chapter.

Sec. 2. The board of trustees of Indiana University may establish an adult stem cell research center.

Sec. 3. The center must be under the administration of the school of medicine.

Sec. 4. The dean of the school of medicine shall appoint the director of the center.

Sec. 5. The board of trustees of Indiana University may receive, accept, hold, and apply donations, bequests of funds, property, gifts, and other income in support of the center's purposes.

Sec. 6. The center shall:

- (1) conduct a thorough and comprehensive needs assessment of the state of science of adult stem cell research; and
- (2) develop strategies to move Indiana University into the forefront of the nation in its capacity to attract and retain adult stem cell researchers.

SECTION 8. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participated in cloning or attempted cloning.

SECTION 9. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to in vitro fertilization.

(b) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(c) A person who knowingly or intentionally:

- (1) participates in cloning;
- (2) implants or attempts to implant a cloned human embryo into a uterine environment to initiate a pregnancy; or
- (3) ships or receives a cloned human embryo;

commits unlawful participation in human cloning, a Class D felony.

SECTION 10. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Class C felony.

(b) This section does not apply to the following:

- (1) The transfer or receipt of an amount to a woman donor of an ovum for:
 - (A) earnings lost due to absence from employment;
 - (B) travel expenses;
 - (C) hospital expenses;
 - (D) medical expenses; and
 - (E) recovery time in an amount not to exceed two thousand five hundred dollars (\$2,500);

concerning a treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "state department" refers to the state department of health.

(b) Before November 1, 2005, the state department shall investigate and report to the legislative council in an electronic format under IC 5-14-6 the following information:

- (1) The feasibility of the state creating an embryo adoption bank in which embryos in the state would not be destroyed but would be transferred and stored at the state's embryo adoption bank.
- (2) The costs of creating an embryo adoption bank.
- (3) The legal implications and requirements for the adoption of an embryo.
- (4) Any other relevant information concerning the state creating and embryo adoption bank.

(c) This SECTION expires December 31, 2005.

SECTION 12. An emergency is declared for this act.

(Reference is to ESB 268 as printed March 23, 2005.)

MILLER	T. BROWN
CRAYCRAFT	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 304-1; filed April 21, 2005, at 4:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 304 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-12-19.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 19.7. Tuition Exemption for Children and Spouses of National Guard Members

Sec. 1. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 2. (a) An individual:

(1) whose father, mother, or spouse:

(A) was a member of the Indiana National Guard; and
(B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

(2) who is eligible to pay the resident tuition rate (as determined by the institution) at the state educational institution in which the individual is enrolled or will enroll; and

(3) who possesses the requisite academic qualifications; is exempt from the payment of tuition and mandatory fees for instruction at the state educational institution in which the individual is enrolled or will enroll.

(b) An individual may receive the tuition exemption described in subsection (a) for all semester credit hours in which the individual enrolls up to a maximum of one hundred twenty-four (124) semester credit hours.

(c) An individual qualifying for or receiving the tuition exemption described in subsection (a) is entitled to enter, remain, and receive instruction at a state educational institution under the same conditions, qualifications, and regulations that apply to:

- (1) applicants for admission to; or**
- (2) students enrolled in;**

the state educational institution who do not qualify for or receive the tuition exemption.

(d) For purposes of this section, the commission for higher education established by IC 20-12-0.5-2 shall define the mandatory fees in consultation with the state student assistance commission established by IC 20-12-21-4.

Sec. 3. If an individual who:

(1) qualifies for or is receiving the tuition exemption under section 2 of this chapter; and

(2) receives other financial assistance specifically designated for tuition and mandatory fees at the state educational institution in which the individual is enrolled or will enroll; the state educational institution shall deduct the amount of the financial assistance specifically designated for tuition and mandatory fees from the amount of the tuition exemption under section 2 of this chapter.

Sec. 4. If an individual who:

(1) qualifies for or is receiving the tuition exemption under section 2 of this chapter; and
(2) earns or is awarded a cash scholarship from any source that is paid or payable to the state education institution in which the individual is enrolled or will enroll;

the state educational institution shall credit the amount of the cash scholarship to the individual for the payment of incidental expenses incurred by the individual in attending the state

educational institution, with the balance, if any, of the award, if the terms of the scholarship permit, paid to the individual.

Sec. 5. (a) The determination as to whether an individual is eligible for the tuition exemption authorized by this chapter is vested exclusively with the military department established by IC 10-16-2-1.

(b) An applicant for the tuition exemption shall make a written request to the adjutant general for a determination of the individual's eligibility.

(c) In response to each request described in subsection (b), the adjutant general shall make a written determination of the applicant's eligibility.

(d) An applicant may appeal an adverse determination in writing to the military department not more than fifteen (15) business days after the date the applicant receives the determination under subsection (c).

(e) The military department shall issue a final order not more than fifteen (15) business days after the department receives a written appeal under subsection (d).

Sec. 6. A person who knowingly or intentionally:

(1) submits a false or misleading application or another document; or

(2) makes a false or misleading statement;

to obtain a benefit under this chapter commits a Class A misdemeanor.

SECTION 2. IC 20-12-21-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) In addition to the duties described in section 5(a) of this chapter, the commission shall do the following:

(1) Prepare and supervise the issuance of public information concerning all of the commission's programs.

(2) Prescribe the form and regulate the submission of applications for all of the commission's programs.

(3) Determine the amounts of grants and scholarships.

(4) Determine eligibility for grants and scholarships.

(5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(b) In addition to the powers described in section 5(b) of this chapter, the commission may do the following:

(1) Accept gifts, grants, devises, or bequests for the purpose of providing grants, awards, scholarships, loans, or other forms of financial aid to students attending approved institutions of higher learning.

(2) Enter into contracts, subject to IC 4-13-2, that the commission determines are necessary to carry out the commission's functions.

(3) Provide administrative or technical assistance to other governmental or nongovernmental entities if the provision of this assistance will increase the number and value of grants, awards, scholarships, or loans available to students attending approved institutions of higher learning.

(c) When the commission receives an offer of a gift, grant, devise, or bequest under subsection (b)(1), the commission may accept stipulations on the use of the donated funds. In this case, sections 7(d) and 17 of this chapter do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which a donor proposes to provide funds are:

(1) lawful;

(2) in the state's best interests; and

(3) generally consistent with the commission's programs and purposes.

Whenever the commission agrees to stipulations on the use of donated funds under this subsection, the commission and the donor shall, subject to approval by the ~~state~~ budget agency and the governor or the governor's designee, execute an agreement.

(d) Whenever the commission agrees to provide administrative or technical assistance under subsection (b)(3), the commission and the party to whom the assistance is to be provided shall execute an agreement specifying:

(1) the assistance that is to be provided; and

(2) the charges, if any, that are to be assessed by the commission for providing this assistance.

The commission may waive charges for administrative or technical assistance under this subsection if the commission determines that a waiver is in the best interest of the state. Agreements to provide assistance under this subsection must be approved by the budget agency and the governor or the governor's designee.

(e) The commission shall exercise its functions without regard to an applicant's race, creed, sex, color, national origin, or ancestry.

(f) This subsection applies to a person called to active duty after September 11, 2001. As used in this subsection, "active duty" means full-time service in:

(1) the National Guard (as defined in IC 10-16-1-13); or

(2) any reserve component of the:

(A) Indiana national guard; or

(B) armed forces;

that exceeds thirty (30) consecutive days in a calendar year. When determining financial eligibility under subsection (a)(4) for a Frank O'Bannon grant, which includes grants formerly designated as the higher education award and the freedom of choice award, the commission may exclude any salary for service on active duty.

SECTION 3. [EFFECTIVE JULY 1, 2005] IC 20-12-19.7, as added by this act, applies to all individuals whose father, mother, or spouse:

(1) was a member of the Indiana National Guard; and

(2) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

whether the father's, mother's, or spouse's service connected death occurred before, on, or after July 1, 2005.

SECTION 4. **An emergency is declared for this act.**

(Reference is to ESB 304 as reprinted March 25, 2005.)

WYSS

ALDERMAN

CRAYCRAFT

RESKE

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 433-1; filed April 21, 2005, at 4:19 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 433 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-2-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 12. State Poet Laureate

Sec. 1. As used in this chapter, "commission" refers to the Indiana arts commission established by IC 4-23-2-1.

Sec. 2. As used in this chapter, "selection committee" refers to the committee described in section 4 of this chapter.

Sec. 3. The poet laureate of Indiana shall be selected under this chapter.

Sec. 4. (a) The selection committee consists of the following eight (8) members:

(1) Seven (7) members selected by the commission who represent state supported and private institutions of higher education.

(2) The executive director of the commission.

(b) The president of each of the institutions selected under subsection (a)(1) shall name a faculty member to serve on the selection committee. The faculty member must:

(1) be a member of the fine arts or English department of the institution; and

(2) teach writing.

(c) The executive director of the commission:

(1) is the chair of; and

(2) shall establish the meeting times and dates for; the selection committee.

Sec. 5. The selection committee shall do the following:

- (1) Meet on a biennial basis to select the poet laureate.
- (2) Determine a method of selecting the poet laureate.
- (3) Select a poet laureate not later than December 1 of each odd-numbered year.
- (4) Permit a person to be selected as poet laureate even if the person has previously served as poet laureate.

Sec. 6. A person selected as poet laureate serves a two (2) year term that begins January 1 following the poet laureate's selection.

Sec. 7. (a) The poet laureate shall do the following:

- (1) Make a formal appearance at schools, libraries, and other educational facilities.
- (2) Offer advice to the commission concerning ways to further the art of poetry in Indiana.
- (3) Represent Indiana and the art of poetry to the education community and the public.

(b) The department of education shall assist the poet laureate in scheduling the poet laureate's appearances in educational facilities and at other appropriate events.

Sec. 8. (a) The commission may pay an annual honorarium of two thousand five hundred dollars (\$2,500) to the poet laureate.

(b) The commission may pay a per diem to the poet laureate for each day that the poet laureate makes an appearance under this chapter.

(c) The commission may pay travel expenses to a member of the selection committee unless the member's institution reimburses the member for the expenses.

Sec. 9. All expenses and other payments permitted under this chapter shall be paid from appropriations to or other funds of the commission.

SECTION 2. [EFFECTIVE JULY 1, 2005] (a) The person honored as poet laureate of Indiana by the house of representatives in House Resolution 73-2002 is entitled to serve as the initial poet laureate of Indiana under IC 1-2-12, as added by this act, until December 31, 2005.

(b) This SECTION expires January 1, 2006.

(Reference is to ESB 433 as printed March 22, 2005.)

LUBBERS	BEHNING
ROGERS	KLINKER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 127-1; filed April 21, 2005, at 4:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 127 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The state supports the county executive of any county that seeks to change the time zone in which the county is located under the procedures established by federal law.

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2006]: IC 1-1-8.1-1; IC 1-1-8.1-2.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The governor and the general assembly hereby petition the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the issue of the location of the boundary between the Central Time Zone and the Eastern Time Zone in Indiana.

(b) The governor and the general assembly advise the United States Department of Transportation that any administrative action to change the time zone boundary in response to the petition contained in this SECTION should not change the time zone for any of the following Indiana counties:

- (1) Any Indiana county currently located in the Central

Time Zone, which should remain in the Central Time Zone.

(2) Clark County, which should remain in the Eastern Time Zone.

(3) Dearborn County, which should remain in the Eastern Time Zone.

(4) Floyd County, which should remain in the Eastern Time Zone.

(5) Harrison County, which should remain in the Eastern Time Zone.

(6) Ohio County, which should remain in the Eastern Time Zone.

(c) To implement this SECTION, the governor shall, not later than ten (10) days after the governor files this act with the secretary of state, send a copy of this act along with any other necessary documentation prescribed by the United States Department of Transportation to the appropriate official of the United States Department of Transportation.

(d) This SECTION expires July 1, 2007.

SECTION 4. An emergency is declared for this act.

(Reference is to ESB 127 as reprinted April 5, 2005.)

RIEGSECKER	TORR
SIPES	BORROR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 217-1; filed April 21, 2005, at 4:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 217 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

(1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:

- (A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a copy to present to the toll attendant on duty at the point of entry.
- (B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:

- (i) The administrative cost of issuing the permit.
- (ii) The potential damage the vehicle represents to the project.
- (iii) The potential safety hazard the vehicle represents.

(2) Establishing the ~~speed at which a vehicle may be driven on a toll road project, including a minimum speed and that a maximum speed not in excess of the maximum provided in IC 9 for motor vehicle may be driven on~~ the interstate defense network of dual highways.

- (3) Designating one-way traffic lanes on a toll road project.
- (4) Determining the manner of operation of **motor** vehicles entering and leaving traffic lanes on a toll road project.
- (5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing **motor** vehicles on a toll road project.
- (6) Determining the establishment and enforcement of traffic control signs and signals for **motor** vehicles in traffic lanes,

acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

(A) the offering or display of goods or services for sale;

(B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and

(C) the operation of a mobile or stationary public address system.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

(1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and

(2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated a size or weight limitation established by the authority under this section for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of ~~his~~ **the person's** current chauffeur's license only if the violation was committed knowingly.

SECTION 2. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

(1) Thirty (30) miles per hour in an urban district.

(2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), ~~and~~ (4), (5), (6), and (7).

(3) ~~Sixty-five (65)~~ **Seventy (70)** miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).

(4) ~~Sixty (60)~~ **Sixty-five (65)** miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

(5) **Sixty-five (65) miles per hour on:**

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.

(6) On a highway that is the responsibility of the Indiana transportation finance authority established by IC 8-9.5-8-2:

(A) seventy (70) miles per hour for:

(i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or

(ii) a bus; or

(B) sixty-five (65) miles per hour for a motor vehicle

having a declared gross weight greater than twenty-six thousand (26,000) pounds.

(7) **Sixty (60) miles per hour on a highway that:**

(A) is not designated as a part of the national system of interstate and defense highways;

(B) has four (4) or more lanes;

(C) is divided into two (2) or more roadways by:

(i) an intervening space that is unimproved and not intended for vehicular travel;

(ii) a physical barrier; or

(iii) a dividing section constructed to impede vehicular traffic; and

(D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

~~(8)~~ (8) Fifteen (15) miles per hour in an alley.

SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

(1) By local jurisdictions under section 6 of this chapter.

(2) By the Indiana department of transportation under section 12 of this chapter.

~~(3) By the transportation finance authority under IC 8-15-2-17-2.~~

~~(4)~~ (3) For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.

~~(5)~~ (4) In worksites, by all jurisdictions under section 11 of this chapter.

SECTION 4. IC 9-26-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The state police department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based on the reports as to the number and circumstances of traffic accidents, **including:**

(1) **the total number of accidents;**

(2) **the total number of fatalities resulting from traffic accidents;**

(3) **the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and**

(4) **if possible, whether the accident or fatality occurred on a highway that:**

(A) is part of the national system of interstate and defense highways;

(B) has four (4) or more lanes; or

(C) is divided into two (2) or more roadways.

(b) Beginning April 30, 2006, and on April 30 of each year thereafter, if the number of fatalities reported in subsection (a) exceeds the average annual number of fatalities in traffic accidents from the previous five (5) years by at least seven percent (7%), the state police department shall submit the report to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(c) Beginning April 30, 2006, and on April 30 of each year thereafter, the state police department shall submit a report describing:

(1) the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and

(2) if possible, whether the accident or fatality described in subdivision (1) occurred on a highway that:

(A) is part of the national system of interstate and defense highways;

(B) has four (4) or more lanes; or

(C) is divided into two (2) or more roadways;

to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(Reference is to ESB 217 as reprinted April 5, 2005.)

SERVER	WOLKINS
L. LUTZ	AUSTIN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 296 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 296 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 296 be corrected as follows:

Page 18, line 42, after "22-4-18-6" insert ", AS AMENDED BY HEA 1288-2005, SECTION 185,".

Page 19, line 9, delete "IC 20-1-18.3-5)".

Page 19, line 10, reset in roman "IC 22-4.1-13-5)".

(Reference is to ESB 296 as reprinted April 8, 2005.)

WHETSTONE, Chair
PELATH, R.M.M.
RICHARDSON, Sponsor

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1075 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1097 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1129 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1153 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1611 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

NOE

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1075	Conferees: Torr and C. Brown
	Advisors: Ripley, Fry, and Grubb
EHB 1097	Conferees: Borrer and Crawford
	Advisors: Hinkle, T. Harris, and Dickinson
EHB 1129	Conferees: Torr and Stilwell
	Advisors: Borrer and Cheney
EHB 1153	Conferees: Foley and Kuzman
	Advisors: Thomas and Bardon
EHB 1611	Conferees: Noe and Mahern
	Advisor: Heim

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 549	Conferees: Whetstone and Kromkowski
	Advisor: Borders

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1666	Conferees: Alderman and Kuzman
	replacing Stutzman and Pflum
	Advisors: Stutzman, Yount and Pflum
	replacing Cherry and Kuzman

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1059 and that the House now concur in the Senate amendments to said bill.

GRUBB

Roll Call 545: yeas 86, nays 0. Motion prevailed.

Representative Behning, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1250.

FRIEND

Roll Call 546: yeas 83, nays 4. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1403.

THOMAS

Roll Call 547: yeas 88, nays 0. Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 75

Representatives Porter, Summers, Mays, Dickinson, V. Smith, C. Brown, Crawford, Aguilera, and E. Harris introduced House Concurrent Resolution 75:

A CONCURRENT RESOLUTION honoring David Logan.

Whereas, University of Indianapolis senior guard David Logan has been selected as the 2004-2005 Daktronics NCAA Division II Men's Basketball Player of the Year and the 2005 Division II Bulletin Player of the Year;

Whereas, In addition to being named player of the year, David Logan was also selected to the National Association of Basketball Coaches Division II All-American Team and the All-District First Team for the Great Lakes Region;

Whereas, David Logan led the University of Indianapolis to a 19-10 overall record and a 14-6 Great Lakes Valley Conference record;

Whereas, David Logan finished the season as the top scorer in Division II with a 28.6 points per game average and was named the Great Lakes Valley Conference Player of the Year;

Whereas, University of Indianapolis head coach Todd Sturgeon says that David Logan shoots a thousand shots a day in practice and laps his teammates in running drills;

Whereas, David Logan scored in double figures in all but two games this season and had a game-high output of 46 points;

Whereas, David Logan is a finalist for the Bob Cousy Point Guard of the Year Award, which is annually awarded to the top point guard in the nation;

Whereas, David Logan is one of the 64 players from all three NCAA divisions and the NAIA to be invited to the 53rd Annual Portsmouth Invitational Tournament in Virginia, where over 200 NBA representatives from all 30 teams will be in attendance; and

Whereas, Excellence of this caliber is achieved through hard work, talent, and dedication to a goal: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates David Logan on an outstanding season and his selection as Division II Player of the Year and wishes David success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David Logan and his family, University of Indianapolis athletic director Dr. Sue Willey, Coach Todd Sturgeon, and President Dr. Jerry Israel.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard and Breau.

House Resolution 69

Representative Richardson introduced House Resolution 69:

A HOUSE RESOLUTION to recognize Calvin Hiatt for 50 years of service to the handicapped and to his community.

Whereas, Calvin Hiatt founded the Hamilton County Society for the Disabled in 1989;

Whereas, Calvin Hiatt's service to the handicapped also included (but was not limited to) the following: President of the Hamilton County Society for Crippled Children & Adults from 1955 to 1988; President of the Indiana Society for Crippled Children & Adults for two terms; served as State Easter Seal Treasurer for four years; served on the National Easter Seal board for three years; and was selected by the Indiana State Easter Seal Society as Volunteer of the Year in 1985;

Whereas, Calvin Hiatt served as Past President of the Hamilton County 4-H Council and was first Chairman of the Hamilton County livestock sale committee;

Whereas, Calvin Hiatt was Past President of the Hamilton County Opportunity School Parent/Teacher Organization as well as Past President of the Hamilton Heights School Parent/Teacher Organization;

Whereas, Calvin Hiatt served as Hamilton County Commissioner from 1960 to 1968;

Whereas, Calvin Hiatt's past contributions to the community also included: President of the Noblesville Evening Rotary Club; Precinct Committeeman for 20 years; and Treasurer of the Hamilton County Republican Party under four county chairmen totaling 16 years of service; and

Whereas, Calvin Hiatt's 50 years of service to the handicapped and his community is best summarized by a plaque he received when he was selected as the Man of the Day by radio station WIRE 1430 which states, "We take great pride in honoring you for your

contribution to your community": Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives expresses its appreciation and recognizes Calvin Hiatt for 50 years of service to the handicapped and to his community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Calvin Hiatt.

The resolution was read a first time and adopted by voice vote.

House Resolution 77

Representatives Walorski and Fry introduced House Resolution 77:

A HOUSE RESOLUTION honoring Sergeant Eric Laudeman.

Whereas, Sergeant Eric Laudeman was the recipient of the 2004 Mishawaka Police Officer of the Year Award, an award he also received in 2000 and 2002;

Whereas, Sergeant Laudeman is a six-year veteran of the police department and presently assigned to the Uniform Division;

Whereas, Sergeant Laudeman was promoted to Sergeant on May 8, 2003, and has since shown true leadership as a supervisor; he has proven to be a great asset to the afternoon shift;

Whereas, Sergeant Laudeman has been instrumental in the apprehension of several suspects, including nine individuals for driving under the influence, and has made four narcotics arrests;

Whereas, Sergeant Laudeman was instrumental in the rescue of a five-year-old boy from a retention pond on February 29, 2004;

Whereas, Sergeant Laudeman walked onto the frozen pond to pull the boy from the freezing water. Although Sergeant Laudeman also fell into the water, he ultimately rescued the boy and saved his life; and

Whereas, Sergeant Laudeman consistently displays determination and perseverance in accomplishing the task at hand, and he is hard working, self-motivated, and dedicated to police work: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the accomplishments of Sergeant Eric Laudeman and thanks him for his dedication and service to the citizens of Mishawaka and the surrounding area.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sergeant Eric Laudeman and his family and the Mishawaka Police Department.

The resolution was read a first time and adopted by voice vote.

House Resolution 78

Representative T. Harris introduced House Resolution 78:

A HOUSE RESOLUTION honoring Carol Robles.

Whereas, Carol Robles, a devoted servant of Blackford County, fills numerous roles and has gladly picked up new responsibilities in order to best contribute to the welfare of the community;

Whereas, Carol, as administrator of the Heritage Commons Assisted Living Home in Hartford City, sprang into action during the January 2005 ice storm that knocked out power across Blackford County;

Whereas, Carol offered immediate assistance, welcoming anyone needing shelter to the Heritage Commons shelter;

Whereas, Carol was named a "Hero of the Heartland" for her selfless service to Blackford County; and

Whereas, Carol Robles is a model citizen of Indiana and an inspiration to us all: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives expresses its gratitude to Carol Robles for her many hours of dedicated service to the citizens of Blackford County.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Carol Robles and her family.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 68

Representative Alderman introduced House Concurrent Resolution 68:

A CONCURRENT RESOLUTION memorializing Senator Charles "Bud" Meeks by renaming the Allen County Criminal Justice Center as the Charles B. Meeks Criminal Justice Center.

Whereas, Charles "Bud" Meeks graduated from Central High School in Fort Wayne in 1954;

Whereas, Upon graduation, Bud enlisted in the United States Navy, where he served until 1958;

Whereas, In 1955, Bud became betrothed to the love of his life, Marjorie Crews, and she presented him with his loving son, Brian, on December 17, 1960;

Whereas, From 1975 to 1982, Bud served as the Sheriff of Allen County. During this time, he also attended and graduated from the FBI National Police Academy;

Whereas, In 1990, Bud retired from the Indiana Air Guard's 122nd Tactical Fighter Wing at Fort Wayne International Airport as a Lieutenant Colonel with over 24 years of service;

Whereas, Later in life, Bud became the Executive Director of the National Sheriffs Association in Washington, D.C., served as advisor to three Presidents on law enforcement issues, and during his distinguished tenure, established the National Sheriffs' Institute;

Whereas, As a state senator, constituents were Bud's top priority. A believer in representative government, he relied on constituent feedback to formulate legislation. Throughout his service, Bud constantly pursued legislation beneficial to Northeast Indiana;

Whereas, Even toward the end of his life, Bud embraced every opportunity to teach young people the value of democracy. For six years, he instructed hundreds of pages on the details of the legislative process, often entertaining them with humorous anecdotes;

Whereas, Bud was diagnosed with colon cancer in 2002 and underwent surgery in November 2002 and January 2004. Throughout his treatment, Bud remained optimistic and hoped to return to the Senate once again to serve the people;

Whereas, As a beloved statesman and teacher, Senator Charles "Bud" Meeks leaves an indelible mark on the people he met and the lives he touched; and

Whereas, Senator Charles "Bud" Meeks' accomplishments are inspiring to us all, and he will be missed by everyone who had the privilege of knowing him. He is survived by his wife, Marjorie, his son, Brian, grandchildren Chad, Sarah, and Roy, and brothers Fred and Senator Robert Meeks: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly memorialize and honor the life of Senator Charles "Bud" Meeks by renaming the Allen County Criminal Justice Center as the Charles B. Meeks Criminal Justice Center.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Marjorie Meeks, state senator Robert Meeks and his family, Fred Meeks and his family, Brian Meeks and his family, and the Allen County Commissioners.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 69

Representative Thompson introduced House Concurrent Resolution 69:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study court funding.

Whereas, Indiana has a high quality court system composed of outstanding judges and support staff;

Whereas, It is vital that funding problems not be allowed to threaten the court system's ability to administer justice, pay its employees, and adequately compensate counsel assigned to represent indigent defendants; and

Whereas, The General Assembly should thoroughly study the use of court fees and how to ensure that the court system is adequately funded so that the well-being and security of our communities do not suffer: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish an interim study committee to study court funding.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 70

Representative Thompson introduced House Concurrent Resolution 70:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the health benefits of raw milk.

Whereas, Several articles have been written proclaiming the health benefits of raw milk;

Whereas, Raw milk comes from cows that are fed green grass in spring, summer, and fall and green feed, silage, hay, and root vegetables in winter, eliminating the introduction of pesticides and growth hormones into the cow's bodies and milk;

Whereas, Many adults have difficulty digesting pasteurized milk, and allergies to pasteurized milk products are common;

Whereas, Raw milk is not pasteurized. Pasteurization is thought to destroy enzymes, diminish vitamin content, denature fragile milk proteins, destroy vitamins B12 and B6, kill beneficial bacteria, and promote pathogens. Pasteurization is associated with allergies, increased tooth decay, colic in infants, growth problems in children, osteoporosis, arthritis, heart disease, and cancer; and

Whereas, It would behoove the state of Indiana to study the possible health benefits of raw milk: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the health benefits of raw milk.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 71

Representative Thompson introduced House Concurrent Resolution 71:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on building, fire, and equipment laws and the manner in which these laws are implemented.

Whereas, Safety laws exist to ensure a safe environment for everyone;

Whereas, The protection of the lives, the preservation of the quality of life, and the safety of Indiana citizens and visitors to Indiana's highways, waterways, homes, and businesses must be taken very seriously; and

Whereas, It is in the best interest of the public to adopt and enforce proper standards for building safety, fire safety, and equipment safety: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to establish an interim study committee to study building, fire, and equipment laws and the manner in which these laws are implemented.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 72

Representative Frizzell introduced House Concurrent Resolution 72:

A CONCURRENT RESOLUTION in support of the USA Patriot Act.

Whereas, On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens by foreign terrorists;

Whereas, These cowardly acts rendered it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad;

Whereas, Terrorism poses a fundamental threat to the ordered liberty that is the essence of our constitutional democracy;

Whereas, As a key part of our nation's response to these acts, Congress spent six weeks negotiating and debating law enforcement tools that both protect civil liberties while also helping detect, disrupt and prevent terrorism;

Whereas, The Congress passed the USA PATRIOT ACT (PL 107-56) On October 25, 2001 with wide, bipartisan margin (Senate 98-1, and House of Representatives 357-66) , and President George W. Bush signed the Act into law the following day;

Whereas, The USA PATRIOT Act has strengthened the nation's criminal laws against terrorism;

Whereas, The USA PATRIOT Act has enhanced the capacity of law enforcement to gather and analyze intelligence on terrorist activity;

Whereas, The USA PATRIOT Act has helped law enforcement defend against the sophisticated tactics used by modern terrorists by updating the law to reflect new technologies and new threats;

Whereas, The USA PATRIOT Act has accomplished these goals without altering the tangible legal protections that exist to preserve the privacy of law-abiding citizens;

Whereas, The Congress, in performing its constitutional role of oversight, found no instance of any abuses of the USA PATRIOT Act and in fact has praised the Justice Department for its efforts to fight terrorism and defend the lives and liberties of the American people; and

Whereas, The security provided by the USA PATRIOT Act has been a necessary and Constitutionality-appropriate means to the greater end of liberty: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives, the Senate concurring, supports the President of the United States and

Congress in their work to defend the homeland against further terrorist attacks.

SECTION 2. That the Indiana House of Representatives, the Senate concurring, earnestly and resolutely supports the USA PATRIOT Act as necessary and vital to the preservation of American civil liberties in a way that is respectful of the legal and constitutional safeguards of those liberties.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor of the State of Indiana.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 73

Representative Crawford introduced House Concurrent Resolution 73:

A CONCURRENT RESOLUTION urging the executive director of the Public Employees' Retirement Fund to ensure that no public employee retirement funds are invested in companies doing business in Sudan.

Whereas, The government of Sudan and the southern opposition signed a peace agreement on Sunday, January 9, 2005, in Kenya, Africa;

Whereas, The peace agreement is expected to end Sudan's cruel treatment of southerners and the rebel south's deployment of an army consisting of children;

Whereas, Secretary of State Colin Powell, on behalf of the United States, with Ambassador John C. Danforth, U.S. Representative to the United Nations, assisted in negotiating the peace agreement;

Whereas, Stopping the conflict in western Darfur is not part of the peace agreement, however, and the Sudanese government is suspected of a policy of genocide in western Darfur;

Whereas, There is a need for the United States and the United Nations to continue to pressure the Sudanese government to stop supplying arms to the Janjaweed;

Whereas, The State of Indiana is deeply concerned over the poor human rights situation in Sudan;

Whereas, The State of Indiana calls for increased international efforts to end the crisis in Sudan's Darfur region, and concurs with the assertion of the United States that genocide is ongoing in the Sudan;

Whereas, Despite significant pressure from the United States government, the government of Sudan has not taken all the necessary actions to disassociate itself fully from the fighting in Darfur;

Whereas, The government of Sudan places severe limitations on the political and religious freedoms of the Sudanese people despite promises of improvement and pledges to end the 20 year civil war between the government and the Sudan People's Liberation Movement/Army;

Whereas, Severe restrictions are placed on the freedoms of assembly, association, movement, and speech of the Sudanese people, and the government actively censors the press;

Whereas, The government of Sudan violates the rules of war by deliberately attacking civilians and, since 1983, war and famine-related effects have led to more than two million deaths and over four million people displaced;

Whereas, The government of Sudan continues to engage in arbitrary arrest, prolonged detention, extra-judicial killings, and torture and rape of the Sudanese people, and declares that apostasy from Islam is punishable by death;

Whereas, The most sobering violation of human rights in Sudan is the existence of slavery or slavery-like indenture, and the progovernment militia continues to engage in abduction and slavery with impunity; and

Whereas, The 2002 Machakos Protocol, signed by both sides in the civil war in Sudan, has recognized that "Sudan is a multicultural,

multiracial, multiethnic, multireligious, and multi-lingual country," and that there "shall be freedom of belief, worship, and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds" once a peace agreement is signed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly urge the executive director of the Public Employees' Retirement Fund (PERF) to give notice to United States companies doing business in Sudan that PERF will withdraw employee retirement funds that are invested in those companies as long as the conflict continues in Darfur.

SECTION 2. That the members of the Indiana General Assembly urge the executive director of PERF to ensure that no public employee retirement funds are invested in companies doing business in Sudan, as long as the genocide and fighting continues in Darfur.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the executive director of the Public Employees Retirement Fund.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 74

Representative Walorski introduced House Concurrent Resolution 74:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on identity theft.

Whereas, Identity theft occurs when someone uses such personal information as an individual's name, Social Security number, or credit card number without that individual's permission to commit crimes; and

Whereas, Identity theft is a serious crime that can result in the victim losing job opportunities; being refused loans for education, housing, or cars; and being arrested for crimes the victim did not commit: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish a committee to study identity theft.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 75

Representative Ruppel introduced House Resolution 75:

A HOUSE RESOLUTION urging the United States Congress to appropriate funding for the federal Historic Barn Preservation Act (P.L.107-171).

Whereas, Historic preservation provides opportunities to rapidly employ persons in diverse areas of the economy, revitalize neighborhoods, communities, and rural areas, entice nationwide private capital investment, and foster heritage tourism;

Whereas, Family farms are the foundation of rural America, and barns are located on these farms;

Whereas, Historic barns are becoming national treasures, and rehabilitating and repairing these barns, as necessary, to preserve the barns' functionality and to preserve the rural landscape, provides benefits to farmers, as well as to the communities and economic vitality of the areas in which the barns are located; and

Whereas, Congress acted in 2002 to establish the Historic Barn Preservation Program: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the appropriations committees of the United States Senate and House of Representatives to appropriate the funds necessary to implement the federal Historic Barn Preservation Act in fiscal year 2006.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana's Congressional delegation; Senator Thad Cochran, Chair of the United States Senate Committee on Appropriations; and Congressman Jerry Lewis, Chair of the United States House of Representatives Committee on Appropriations.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 76

Representatives Kuzman and Alderman introduced House Resolution 76:

A HOUSE RESOLUTION urging the historic hotel preservation commission to work cooperatively to fulfill the goals presented to the Indiana General Assembly.

Whereas, The Indiana General Assembly entrusted the historic hotel preservation commission to provide local leadership in the development of the Orange County casino project;

Whereas, It took a dedicated and determined effort to gain passage of the legislation that provided a plan for success for the future of Orange County;

Whereas, The dedicated legislative effort and the plan captivated statewide enthusiasm for the casino project with unprecedented support;

Whereas, The purpose of the Orange County casino project is economic recovery for Orange County by providing a casino, the restoration of two grand hotels, the development of the historic district, a destination resort area, and good paying jobs; and emphasis was placed on all these segments of the project;

Whereas, The project is to be a communitywide endeavor to serve the people and to provide an opportunity for success to all, not just a select few individuals;

Whereas, The implementation of the plans is to be a communitywide effort with no individual taking control of the process, always putting personal agendas aside to focus on the best interests of the people; and

Whereas, Any money spending decisions, especially in these tight economic times, should be made in a frugal manner, including, but not limited to, controlling excessive attorney's fees: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the historic hotel preservation commission should work cooperatively to fulfill the goals as presented to the Indiana General Assembly by displaying the same dedicated effort that was present before the formation of the commission.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Adina Cloud, the chairwoman of the historic hotel preservation commission.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 54

The Speaker handed down Senate Concurrent Resolution 54, sponsored by Representatives Walorski and Heim:

A CONCURRENT RESOLUTION promoting the use of the "A Child is Missing" program.

Whereas, A Child is Missing ("ACIM") was founded in 1996 as a non-profit organization headquartered in Fort Lauderdale, Florida;

Whereas, ACIM is devoted to assisting law enforcement in search and early recovery efforts during the critical initial hours following a child, elderly or disabled person's disappearance with a rapid-

response neighborhood notification program;

Whereas, Initiated only by law enforcement officials, ACIM is currently available in 13 different states, including Indiana;

Whereas, ACIM utilizes high-tech telephony to make 1,000 calls in sixty seconds, allowing ACIM to reach thousands of people in the area surrounding the disappearance in rapid time;

Whereas, At least 83 individuals have been recovered utilizing the service of ACIM and at least 4 of these individuals were located in Indiana; and

Whereas, ACIM is a beneficial resource and the Indiana General Assembly seeks to promote awareness of this service and encourage all Indiana law enforcement officials to utilize this program: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly encourages all law enforcement officials throughout the State of Indiana to use the A Child is Missing program to assist in locating a child, elderly or disabled person who has disappeared.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Sheriff's Association, to the Indiana Association of Cities and Towns, and to the Indiana Fraternal Order of Police.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 56

The Speaker handed down Senate Concurrent Resolution 56, sponsored by Representatives Walorski, Welch, and Ruppel:

A CONCURRENT RESOLUTION encouraging shopping malls, stores, and local units of government throughout Indiana to adopt a "Code Adam" child safety protocol.

Whereas, The "Code Adam" program was first established in 1995;

Whereas, The program, named in memory of Adam Walsh, six-year-old Florida boy who was abducted from a shopping mall and murdered in 1981, is used as a preventive tool against child abductions in more than 45,000 stores across the nation;

Whereas, The program protocol is activated when a customer reports a missing child to a store employee;

Whereas, An alert is announced over the public address system and a brief description of the child is obtained and provided to all designated employees, who immediately stop their normal work to search for the child and monitor all exits to help prevent the child from leaving the store;

Whereas, If the child is not found within the first ten minutes during a storewide search, or if the child is seen accompanied by someone other than a parent or guardian, store personnel contact local law enforcement and request assistance;

Whereas, The program has proven extremely successful in thwarting many attempted abductions through the issuance of a "Code Adam" alert in commercial establishments; it continues to be implemented in stores across the country with the help of the National Center for Missing and Exploited Children;

Whereas, According to the United States Department of Justice, approximately 4,600 children are abducted annually by nonfamily members; and

Whereas, Indiana should take all possible steps to ensure the safety of Hoosier children: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly encourages all shopping malls, stores, and local units of government to adopt the "Code Adam" child safety protocol.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the National Center for Missing and Exploited Children, the National Federation of Independent Business, the Association of Indiana Counties, the Indiana Association of Cities and Towns, and the Indiana Chamber of Commerce.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 498 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Bosma be added as coauthor of House Bill 1501.

YOUNT

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

Pursuant to House Rule 158, conference committee meetings were announced.

On the motion of Representative Borders, the House adjourned at 4:55 p.m., this twenty-first day of April, 2005, until Monday, April 25, 2005, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives